

Message Text

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ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 JUSE-00

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TO USMISSION USUN NEW YORK

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E.O. 11652: NA

TAGS: PLOS

SUBJECT: LOS POUR MEMOIRE ON PRESCRIPTIVE RIGHTS IN TERRI-
TORIAL SEA

1. MR. NIELS EGELUND OF DANISH EMBASSY PRESENTED POUR
MEMOIRE TO DEPARTMENT (D/LOS) TODAY. AFTER STATING USG
POSITION ON ISSUE, D/LOS OFFICER STATED TO EGELUND THAT
POUR MEMOIRE WOULD BE BROUGHT TO ATTENTION OF US LOS
DELEGATION WHICH WOULD DISCUSS LONG-STANDING ISSUE WITH
GOD DELEGATION. TEXT OF POUR MEMOIRE FOLLOWS IN PARA 2.

2. QUOTE THE GOVERNMENT OF DENMARK REFERS TO THE PROVI-
SIONS CONTAINED IN THE REVISED SINGLE NEGOTIATING TEXT,
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PART II - DOC. A/CONF.62/WP.8/REV.1/PART II ON STANDARD-

SETTING BY INTERNATIONAL AGREEMENT WITH REGARD TO RULES AND REGULATIONS ON THE DESIGN, CONSTRUCTION, MANNING OR EQUIPMENT OF FOREIGN SHIPS. THE PRESENT DRAFT OF SAID DOCUMENT CONTAINS IN ART. 20 PARA 2 CONCERNING LAWS AND REGULATIONS OF THE COASTAL STATE RELATING TO INNOCENT PASSAGE Y ROUGH THE TERRITORIAL SEA THE FOLLOWING PROVISIONS

SUCH LAWS AND REGULATIONS SHALL NOT APPLY TO OR AFFECT THE DESIGN, CONSTRUCTION, MANNING OR EQUIPMENT OF FOREIGN SHIPS OR MATTERS REGULATED BY GENERALLY ACCEPTED INTERNATIONAL RULES UNLESS SPECIFICALLY AUTHORIZED BY SUCH RULES. THE GOVERNMENT OF DENMARK CONSIDERS IT IMPORTANT TO RETAIN THIS EXPLICIT PROVISION IN THE FINAL TEXT TO BE ADOPTED BY THE UNITED NATION'S 3RD CONFERENCE ON THE LAW OF THE SEA, AS THIS WOULD REPRESENT A GUARANTY AGAINST A PROLIFERATION OF DIFFERENT NATIONAL AND STATE STANDARDS WHICH, IF THEY WERE BROUGHT INTO EFFECT, WOULD REPRESENT SERIOUS BARRIERS TO INTERNATIONAL TRADE AND WOULD LEAD TO CONFUSION FOR SHIPOWNERS.

IT IS THE DANISH VIEW THAT THE PRESENT WORDING OF ART 21 PARA 3 OF THE REVISED SINGLE NEGOTIATING TEXT PART III - DOC. A/CONF.62/WP.8/REV.1/PART III ON THE RIGHT OF A COASTAL STATE TO ESTABLISH NATIONAL LAWS AND REGULATIONS WITHIN ITS TERRITORIAL SEA FOR THE PREVENTION, REDUCTION AND CONTROL OF MARINE POLLUTION FROM VESSELS SHOULD BE AMENDED BY INSERTING A SENTENCE WHICH EXPLICITLY STATES THAT SUCH LAWS AND REGULATIONS SHALL NOT APPLY TO OR AFFECT THE DESIGN, CONSTRUCTION, MANNING OR EQUIPMENT OF FOREIGN SHIPS, UNLESS SPECIFICALLY AUTHORIZED BY GENERALLY ACCEPTED INTERNATIONAL RULES.

THE DANISH POSITION COINCIDES WITH THE POSITION OF A LARGE MAJORITY OF MARITIME COUNTRIES AT THE UNITED NATIONS III CONFERENCE ON THE LAW OF THE SEA, AND IS BROUGHT TO THE ATTENTION OF THE GOVERNMENT OF THE UNITED STATES WITH A VIEW TO HAVING IT TAKEN INTO CONSIDERATION DURING THE FURTHER NEGOTIATIONS AT THE 5TH SESSION IN NEW YORK OF THE CONFERENCE ON THE LAW OF THE SEA.

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ENDQUOTE HABIB

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